

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEEWALD,
JINGER VUOLO, and JOY DUGGAR**

PLAINTIFFS

vs.

CASE NO. 5:17-5089-TLB

**CITY OF SPRINGDALE, ARKANSAS;
WASHINGTON COUNTY, ARKANSAS;
KATHY O’KELLEY, in her individual and
official capacities;
ERNEST CATE, in his individual and official capacities;
RICK HOYT, in his individual and official capacities;
STEVE ZEGA, in his official capacity;
BAUER PUBLISHING COMPANY, L.P.;
BAUER MAGAZINE, L.P.;
BAUER MEDIA GROUP, INC.;
BAUER, INC.;
HEINRICH BAUER NORTH AMERICA, INC.;
BAUER MEDIA GROUP USA, LLC; and
DOES 1-10, inclusive**

DEFENDANTS

**MOTION TO STAY ON BEHALF OF SEPARATE DEFENDANTS CITY OF
SPRINGDALE; ERNEST CATE, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES;
and KATHY O’KELLEY, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES**

COME NOW the Separate Defendants, City of Springdale, Ernest Cate (“Cate”), in his individual and official capacities, and Kathy O’Kelley “(O’Kelley””, in her individual and official capacities (collectively referred to herein as the “Springdale Defendants”), by and through the undersigned attorneys, and for their Motion to Stay (“Motion”), state:

1. Because of the issue of qualified immunity, and the jurisprudence governing litigation of claims when qualified immunity is claimed, the Springdale Defendants request that the Court stay this proceeding pending the resolution of the motion to dismiss on immunity grounds and during the pendency of any subsequent interlocutory appeals that may follow. The Springdale Defendants request that the stay include a stay of the Rule 26(f) Conference, Initial

Disclosures pursuant to Fed. R. Civ. P. 26(a)(1), Rule 26(f) Report, any other action required under Fed. R. Civ. P. 26, Case Management Hearing, deadlines to amend the pleadings or file third party claims, any further scheduling, discovery, and trial.

2. Springdale Defendants further request that the Court preclude the parties or their agents or representatives from using the Arkansas FOIA to circumvent the requested stay.

3. This Motion is for good cause and no prejudice will result to any party. Rather, judicial resources will be preserved and litigation costs by be reduced as a result of the requested stay.

4. Separate Defendants are filing a Brief in Support contemporaneously with this Motion and it is adopted by reference pursuant to Federal Rule of Civil Procedure 10(c).

WHEREFORE the Springdale Defendants respectfully request that this Court stay any and all pre-trial proceedings in this case until such time as the qualified and statutory immunity issues are resolved, whether by resolution of the pending Motion to Dismiss or any interlocutory appeals that may follow as a matter of right.

Respectfully Submitted,

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DEFENDANTS**

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 29th day of June, 2017, a true and correct copy of the above and foregoing Motion to Stay on Behalf of Separate Defendants was filed with the Clerk via the CM/ECF system which will send notification of filing to the following:

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